

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | MAGISTRATE ACTION NO. C-09-228 |
| | § | |
| CARLOS ROBERTO MURILLO-SANTOS | § | |

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant told a Border Patrol agent that he was going to be paid \$12,000 to transport five undocumented aliens to Houston. The findings and conclusions contained in paragraphs one through four of the Pretrial Services Report are adopted. The defendant is a resident alien from Honduras, and faces deportation if convicted. The defendant was on probation when he committed a similar alien trafficking offense in September 2008. That offense resulted in a guilty plea to a lesser charge, and the defendant was released from jail on December 31, 2008. Barely two and one-half months have passed since the defendant was released

from jail for committing a similar offense. The defendant is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 16th day of March, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE